

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILL MAX OVERTON,	:	
	:	NO. 1:11-CV-0158
Plaintiff,	:	
	:	
	:	
v.	:	OPINION & ORDER
	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation, in which she recommends that this Court impose sanctions on Plaintiff for frivolous filings in this matter (doc. 22). In response, Plaintiff filed a request that this matter be transferred to a district judge "so that justice may be served" (doc. 22).

In brief, Plaintiff's application for in forma pauperis status was denied on April 13, 2011, and Plaintiff failed to subsequently submit either the required filing fee or the required affidavit. Plaintiff was then notified that his failure to do so would result in his case being closed. Plaintiff again failed to comply with the mandate that he either pay the filing fee or submit an affidavit regarding his financial situation, and his case was indeed closed on May 17,

2011. Plaintiff appealed that decision, and that appeal was dismissed for want of prosecution.

Despite the fact that this matter has long been closed, Plaintiff continues to file motions. The Magistrate Judge correctly determined that these post-judgment motions are frivolous: this case is closed, the Court therefore no longer has jurisdiction, and any post-judgment motions can only serve to harass.

In his request for this matter to be transferred to a district judge, Plaintiff contends that the Magistrate Judge has "done everything possible to obstruct justice in this case" (doc. 22). Having reviewed this matter thoroughly, it is abundantly clear to this Court that nothing could be further from the truth. On the contrary, the Magistrate Judge has taken careful and thorough steps to account for the fact that Plaintiff is proceeding pro se and to allow him to pursue his case. Plaintiff, on the other hand, has repeatedly chosen to refuse to comply with the Court's orders and procedures.

Plaintiff has abused the judicial process by continuing to file frivolous post-judgment motions in this case after it was closed because of his own failure to abide by the Court's orders and after his appeal was rejected by his own failure to prosecute. Consequently, the Court agrees with the

Magistrate Judge's recommendation that the imposition of Rule 11 sanctions is appropriate.

The Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in its entirety (doc. 20). Therefore, the Court ORDERS that Plaintiff is hereby prohibited from filing any further motions or papers in this case, unless such motions or papers are first certified as non-frivolous by an attorney. Thus, the Clerk of Court is hereby DIRECTED to refuse for filing and to return to Plaintiff any motions or papers presented by Plaintiff in this action that are not first certified as non-frivolous by an attorney, provided that this restriction does not apply to any notice of appeal of this decision.

SO ORDERED.

Dated: December 6, 2012

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District
Judge